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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 DAVID ROBERT RIKER,

10 Petitioner,

3:99-cv-00222-LRH-WGC

11 vs.

ORDER

12 RENEE BAKER, *et al.*,

13 Respondents.
14 _____/

15 This capital habeas corpus action has been stayed since February 21, 2003, pending
16 proceedings in state court. *See* Order entered February 21, 2003 (ECF No. 79); Report on Status of
17 Proceedings filed June 15, 2015 (ECF No. 124).

18 On December 3, 2015, the petitioner, David Robert Riker, filed a Motion to Lift Stay and
19 Dismiss Petition (ECF No. 125). In that motion, Riker states:

20 On February 21, 2003, this Court entered an order staying this action to allow
21 petitioner to exhaust his state remedies. Docket Nos. 78 and 79. The state
22 proceedings are now concluded. A new judgment of conviction was filed on February
23 13, 2014, Ex. 1, and the time for filing a state post-conviction [petition] for writ of
habeas corpus has expired. Nev. Rev. Stat.
§ 34.726. The agreement underlying the new judgment of conviction included an
agreement to dismiss the pending federal habeas corpus petition. Ex. 2 at 2.

24 Accordingly, pursuant to this Court's order, Docket No. 79, Mr. Riker hereby
25 moves this Court to vacate the stay previously entered, and to dismiss his petition for
writ of habeas corpus and close this action.

26 Motion to Lift Stay and Dismiss Petition, pp. 1-2 (Exhibits 1 and 2, referred to in the quoted portion

1 of the motion, are attached to the motion, and found at ECF No. 125-1). The respondents did not
2 respond to Riker's Motion to Lift Stay and Dismiss Petition.


3 **IT IS THEREFORE ORDERED** that petitioner's Motion to Lift Stay and Dismiss Petition
4 (ECF No. 125) is **GRANTED**.

5 **IT IS FURTHER ORDERED** that the stay of this action is lifted.

6 **IT IS FURTHER ORDERED** that this action is **DISMISSED**.

7 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment accordingly.
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9 DATED this 5th day of January, 2016.

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12 LARRY R. HICKS
13 UNITED STATES DISTRICT JUDGE
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